

**FILED**

May 12, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: PT  
DEPUTY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**RYAN SIMMONS,**

**Plaintiff,**

**V.**

**SHERIFF JAVIER SALAZAR, ET AL.,**

**Defendants.**

**CIVIL NO. SA:23-CV-00334-OLG**

## ORDER

Before the Court is United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R), which recommends that Plaintiff Ryan Simmons's motion to proceed *in forma pauperis* (IFP) be granted but that Plaintiff's proposed Complaint be dismissed pursuant to 28 U.S.C. § 1915(e). (*See* Dkt. No. 3.) Plaintiff was served with a copy of the R&R, *see* Dkt. No. 6, and the time to object has passed. The Court has thus reviewed the R&R to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). It is not. Accordingly, the Court concludes that the R&R should be accepted.

It is therefore **ORDERED** that Magistrate Judge Chestney's Report and Recommendation (Dkt. No. 3) is **ACCEPTED**. It is further **ORDERED** that, for the reasons stated in the R&R, Plaintiff's motion to proceed IFP (Dkt. No. 1) is **GRANTED** but Plaintiff's Complaint (Dkt. No. 1-1) is **DISMISSED**.

This case is **CLOSED**.

It is so **ORDERED**.

**SIGNED** this 12th day of May, 2023.

John I. L.

ORLANDO L. GARCIA  
United States District Judge